

From: Mark Ball
To: Tunney Act
Date: 1/25/02 10:14am
Subject: Microsoft Settlement

I oppose adoption of the proposed Microsoft settlement.

The proposed settlement does not limit or reverse the monopolistic practices that brought the trial. Furthermore, the proposed settlement grants Microsoft rights that, history will show, Microsoft will use to expand its monopoly under the protection of the settlement.

I see a strong structural remedy as the only means to prevent Microsoft's monopoly from expanding into other lines of business. A structural remedy must be such that anticompetitive behavior directed at competitors will harm Microsoft equity as a natural consequence of a capital market. Most likely, this would mean that Microsoft must be divided so that post-Microsoft entities will be on equal footing as current Microsoft competitors.

Furthermore, I see continued government monitoring as impotent. I suggest that the settlement grant non-Microsoft entities who must do business with Microsoft due to Microsoft monopoly the right to sue for and recover damages when Microsoft makes unfavorable changes to their relationship due to the non-Microsoft entity's utilization of non-Microsoft software.

Mark Ball